

**STATE OF INDIANA – COUNTY OF MADISON
IN THE UNIFIED CIRCUIT COURTS**

**Notice of Amendment to Local Court Rule
January 2, 2014**

In accordance with Trial Rule 81 of the Indiana Rules of Court, the Madison Unified Circuit Courts hereby give notice to the bar and the public that the Courts propose to amend the existing local rule concerning special judge appointment in criminal cases at **LR48-CR2.2-13**. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for this rule amendment and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment will begin on **January 2, 2014**, and will close on **January 31, 2014**.

Persons with Internet access may view the proposed amended local rule at the following website:
<http://www.in.gov/judiciary/madison/>

Notice has been given to the public on the website of the Madison County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Madison County Bar Association. Comments may be made to: Unified Court Administration, 16 E. 9th Street, Suite 417, Anderson, IN 46016 and by email to: jhunter@madisoncounty.in.gov.

This rule amendment will be effective on **February 1, 2014**.

For the Unified Courts of Madison County:

_____/S/_____
Angela Warner Sims, Judge
Madison Unified Court

LR48-CR2.2-13: CRIMINAL DOCKETS (ASSIGNMENT)

SECTION I.

All felonies and misdemeanors filed in the Madison Circuit Court shall be assigned and docketed in accordance with this Rule.

Charges shall be filed and assigned pursuant to Section II, if applicable. If Section II is not applicable, charges shall be filed and assigned in accordance with Section III.

Cases with multiple defendants or with co-defendants shall be considered one case for filing purposes and shall be assigned to a single court, although each defendant may be given a separate cause number.

SECTION II.

If jurisdiction exists in said Court, new felony and misdemeanor charges shall be filed in the Court where other charges are pending against the defendant or where the defendant is on probation or otherwise under supervision.

SECTION III.

Capital cases, life without parole cases, Murder cases, Class A felonies, Class B felonies and Class C felonies shall be randomly filed in Circuit Court 3, Circuit Court 4, and Circuit Court 6. Class D felonies and misdemeanors shall be randomly filed in Circuit Court 1 (50%) and Circuit Court 5 (50%).

SECTION IV.

When a case requires a change of Judge, the Clerk shall randomly select a new Judge from the remaining judges exercising comparable jurisdiction. The Clerk shall so notify the new Judge of the appointment as Special Judge. If a selected Special Judge is unable to accept jurisdiction due to conflict of interest, or the Special Judge is later disqualified, the Clerk shall select a successor Special Judge at random from the remaining Judges of the Circuit Court exercising criminal jurisdiction. In the event the Clerk cannot select a special judge from the Judges of the Circuit Court, then the Clerk shall select on a rotating basis a special judge from a list of judges from the following counties:

Grant
Delaware
Henry
Hancock
Hamilton
Tipton

In the event no judge is available for assignment or reassignment of a criminal case, such case shall be certified to the Indiana Supreme Court for appointment of a special judge. In the event the presiding judge in a criminal case concludes that the unique circumstances presented in such proceeding require appointment of a special judge, the presiding judge may request that the Indiana Supreme Court make such an appointment.

(Effective ~~March 1, 2013~~ February 1, 2014)